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Letter dated 3 February 2014 from the Permanent Representative of Lithuania to the United Nations addressed to the Secretary-General

I have the honour to inform you that, under the presidency of Lithuania, the Security Council is scheduled to hold an open debate on the subject "Protection of civilians in armed conflict". The debate will be held on Wednesday, 12 February 2014. In order to help steer the discussion on the subject, Lithuania has prepared the attached concept note (see annex).

I should be grateful if the present letter and the annex thereto could be circulated as a document of the Security Council.

(*Signed*) Raimonda **Murmokaitė**
Ambassador
Permanent Representative

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Annex to the letter dated 3 February 2014 from the Permanent Representative of Lithuania to the United Nations addressed to the Secretary-General

Concept note for the Security Council open debate to be held on 12 February 2014 on Protection of civilians in armed conflict: effective implementation of protection of civilians mandates in United Nations peacekeeping operations

Background

The year 2014 marks the fifteenth anniversary of the Security Council's engagement on the protection of civilians in armed conflict. In 1999, the Council adopted the first landmark resolution on the protection of civilians in armed conflict, resolution 1265 (1999) and, for the first time, it explicitly mandated a United Nations peacekeeping operation to protect civilians. Since then, the protection of civilians has become an integral part of United Nations peacekeeping operations. At present, nine peacekeeping operations have the explicit mandate to "protect civilians under imminent threat of physical violence" and to uphold other protection measures, accounting for more than 95 per cent of peacekeepers currently deployed. Furthermore, the Council has recognized that mandated protection activities must be given priority in decisions on the use of available capacity and resources.

However, the fact that civilians continue to bear the brunt of today's armed conflicts indicates the enduring need for the Security Council and Member States to further strengthen the protection of civilians. In his most recent report on the protection of civilians, issued on 22 November 2013 (S/2013/689), the Secretary-General noted that the current state of the protection of civilians left little room for optimism. Furthermore, as he submitted new recommendations on the protection of civilians, the Secretary-General also noted that many of his previous recommendations remained valid and emphasized the importance of translating existing normative commitments into actions on the ground.

While peacekeepers are among many other protection actors in the field, enhancing the implementation of protection mandates by peacekeeping operations (one of the five core challenges addressed in the Secretary-General's report) constitutes one of the most significant means at the Organization's disposal to protect civilians in armed conflict and in post-conflict situations. Despite increased attention and positive recent developments in this area, however, numerous challenges on the ground in respect of implementation remain, in particular challenges regarding a continued lack of clarity surrounding the concept and operationalization of the protection of civilians, internal and external coordination mechanisms, early warning and rapid response, support to the security forces of the host Government, troop capabilities and resourcing.

With this in mind, the Lithuanian presidency of the Security Council for the month of February will convene an open debate on the protection of civilians, with a specific focus on one of the five core protection challenges, namely, protecting civilians through United Nations peacekeeping and other relevant missions.

Developments

Over the past five years, significant steps have been taken to improve the overall effectiveness of United Nations peacekeeping missions, including their capacity to protect civilians. The Security Council adopted resolution 1894 (2009) on the protection of civilians in armed conflict, in which it called for mandated protection of civilians activities to be prioritized in decisions about the allocation of resources and capacity and requested the development of an operational concept, mission-wide planning and training on the protection of civilians. In addition to the numerous presidential statements of the Council, the periodic reports of the Secretary-General and the Aide-Memoire on the protection of civilians, the informal Expert Group on the Protection of Civilians was also established with the aim of sharing information relating to the protection of civilians among Council experts and strengthening the protection of civilians mandates. Resolution 2086 (2013) was the first thematic peacekeeping resolution in which the Council recognized the importance of the protection of civilians as a mandated task in multidimensional peacekeeping operations. In its resolution 2106 (2013), the Council reiterated the call for all predeployment and in-mission training of troop and police contributors to include training on sexual and gender-based violence and for the swift deployment of women protection advisers.

In its landmark resolution 2117 (2013) on small arms and light weapons, the Security Council recognized that the illicit transfer, destabilizing accumulation and misuse of small arms and light weapons fuel armed conflicts and have an impact on the protection of civilians and the implementation of peacekeeping mandates. The recently adopted Arms Trade Treaty is viewed as a vital tool in preventing the illicit flows of weapons that escalate armed conflicts and are often used against civilians, by helping States to establish strong export controls and mechanisms for preventing the diversion of those weapons.

In its annual reports issued from 2009 to 2012 (A/63/19, A/64/19, A/65/19 and A/66/19), the Special Committee on Peacekeeping Operations requested the Secretary-General to draw on lessons learned by providing an assessment of the adequacy of resources, training and concepts of operations in missions with protection of civilians mandates, as well as by recognizing the need for guidance, training, coordination and mission-specific protection of civilians strategies. The Secretariat has responded by developing an operational concept, a framework to support the development of mission-specific strategies, a resource and capability matrix, analysis of coordination mechanisms on the protection of civilians, operational- and tactical-level training materials to support peacekeepers, and by creating a protection of civilians coordination team at Headquarters.

Challenges and opportunities to be explored

Understanding protection of civilians, prioritization and planning

Notwithstanding important advances, peacekeeping operations continue to face myriad challenges in making protection a meaningful, consistent and systematic reality in their day-to-day work. The tasks of protecting civilians are not limited to military and police actions of providing physical protection. In its resolution 1894 (2009), the Security Council emphasized the need for a comprehensive approach to facilitate the implementation of protection mandates through promoting economic growth, good governance, democracy, the rule of law and respect for, and protection

of, human rights. At the same time, the protection mandates should remain clear, credible and achievable, and be based on a realistic assessment of threats. It should be borne in mind that while allowing better protection of civilians, such capacities as better intelligence, quick-reaction capabilities and critical enablers often have significant implications for resources and field support or may require a wider pool of troop- and police-contributing countries. Finally, the question of the circumstances in which a peacekeeping operation is authorized to use force, ranging from self-defence to peace enforcement and robust peacekeeping, and how it fits in the implementation of the operation's protection of civilians mandate, needs to be addressed.

In any specific operation, agreement on the protection needs, achievable goals, and on who has the necessary will and capacity to implement protection mandates is key to their successful implementation and to the credibility of the operation. Such common understanding should be shared as much as possible by all relevant stakeholders, in particular the Security Council, the Secretariat and the troop- and police-contributing countries, and should be clearly communicated to the mission leadership. Moreover, the disparity between mandated tasks and allocated resources and capabilities, as well as the information gap between the field and Headquarters — including the Council — are important challenges that need to be tackled.

There also remains a lack of pre-mandate planning and assessments on the protection of civilians. Threats to civilians must be considered at the earliest phase of planning by the Secretariat and the Security Council. The Council could request information on civilian threats and vulnerabilities, which would enable mandates to be shaped accurately with an understanding of the resources required to carry them out. The Council could also monitor the implementation and impact of mandates on the ground more closely, and support missions facing challenges in protecting civilians.

Leadership, strategy and coordination

There are also challenges in how the various parts of the mission work together on protection of civilians, and the importance of creating effective mechanisms for doing so. The engagement and coordination of mission leadership in implementing the protection of civilians are critical to its success, and involve articulating a clear vision for protecting civilians for the mission-specific context. At a minimum, they should include an articulation by a mission's senior leadership of its understanding of the protection of civilians and the detailed roles and responsibilities within the mission in undertaking such activities, dealing with both day-to-day, persistent low-level threats and potential crises.

The effective implementation of protection tasks involves a broad range of actors. It requires close consultations, including between the Security Council, the Secretariat, and the troop- and police-contributing countries, prior to the establishment and throughout the life cycle of peacekeeping missions. Missions must engage with State authorities and local communities in order to better understand and respond to the threats they face. The views of other actors on the ground, such as United Nations system organizations, humanitarian actors and human rights professionals, should also be taken into account. It is equally important that a mission's engagement with United Nations and other humanitarian

actors does not undermine the independence and neutrality of such actors and the perception thereof.

The United Nations human rights due diligence policy is an important tool in ensuring that national forces that benefit from United Nations support adhere to international humanitarian and human rights law and that Council members are aware of the implementation of the policy, with a view to gauging its impact on the protection of civilians in the various countries. The "Rights up front" action plan is an important framework for the United Nations, including for peacekeeping and other missions, to promote respect for human rights and humanitarian law and accountability for violations thereof.

Capacity and training

Effective protection is reliant on mobility and access to adequate equipment and other resources. However, both in the field and at Headquarters, peacekeepers continue to face challenges of capacity. In order to implement protection strategies, operations must be designed and resourced to support their objectives. Increased predeployment and in-mission training for all levels of personnel, from leadership to contingent commanders and the whole body of peacekeepers and civilian staff, also remains vitally important, including on sexual and gender-based violence.

Questions to consider

Member States are encouraged to consider some of the following points in their statements:

- How to improve the common understanding regarding protection mandates, and relevant experiences from current peacekeeping operations; what more can be done to ensure that mission leadership is aware of the Council's prioritization of the protection of civilians
- Issues of policy, planning and the preparedness gap regarding the protection of civilians; the threats and challenges regarding mandate implementation on the ground; how can the experiences and challenges of the troop- and police-contributing countries in implementing the protection of civilians be better incorporated into developing future strategies and guidance; how to ensure that all peacekeepers are being trained using the same standards on the protection of civilians
- Coordination efforts, situational awareness, early warning and rapid response required to ensure mandate implementation; support to the security forces of the host Government; interaction with humanitarian and other actors on the ground
- The continuing engagement of the Security Council post adoption in the progress and challenges of the implementation of protection of civilians mandates
- Best practices regarding the implementation of protection of civilians mandates; what works and why, and how to improve the sharing of best practices among missions
- Ensuring adequate resources and financing to support the implementation of the protection of civilians mandates.

As this will be the first open debate since the submission of the most recent report of the Secretary-General on the protection of civilians in armed conflict (S/2013/689), the debate will provide an important opportunity for members of the Security Council and the United Nations membership to also reflect on the other core challenges to the protection of civilians as well as the recommendations contained in the report of the Secretary-General.

Briefers and outcome

The Under-Secretary-General for Humanitarian Affairs, Valerie Amos, representatives from the Department of Peacekeeping Operations, the Office of the United Nations High Commissioner for Human Rights and the International Committee of the Red Cross are expected to brief. The meeting will take place on Wednesday, 12 February 2014, and participation will be open to non-members of the Security Council.

The Lithuanian presidency of the Security Council will propose the adoption of a presidential statement that will contain an updated aide-memoire on the protection of civilians in armed conflict, compiled by the Office for the Coordination of Humanitarian Affairs. The aide-memoire is based on a compendium of the Council's agreed language. It identifies key concerns pertaining to the protection of civilians and illustrates how the Council has addressed them in relevant resolutions and presidential statements. The aide-memoire was most recently updated in 2010. The Office has recently updated the aide-memoire, hence the wish to have a short presidential statement that recognizes the fact.